

Appln No. 10/757,637
Amdt date April 13, 2007
Reply to Office action of October 13, 2006

REMARKS/ARGUMENTS

Claims 1-6, 10-18, and 20-23 are pending in the present application. No new amendments are presented.

In the Office action dated October 13, 2006, claims 1-2 were rejected under §103 over U.S. PG Pub. No. 2003/0125994 by Jaehn et al. ("Jaehn") in view of U.S. PG Pub. No. 2004/0103092 by Tuzhilin et al. ("Tuzhilin"). Claim 3 was rejected under §103 over Jaehn in view of Tuzhilin, in further view of and U.S. PG. Pub. No. 2004/0006507 by Laufer ("Laufer.") Claims 4-6 were rejected under §103 over Jaehn in view of Tuzhilin, in further view of U.S. PG Pub. No. 2003/0040946 by Sprenger et al. ("Sprenger"). Claims 10-14 were rejected under §103 over Jaehn in view of Tuzhilin, in further view of Sprenger, still in further view of U.S. Patent No. 5,732,398 by Tagawa ("Tagawa"). Claim 15 was rejected under §103 over Jaehn in view of Tuzhilin, in further view of Sprenger, still in further view of U.S. Patent No. 6,134,534 by Walker et al. ("Walker"). Claims 16-18 and 20-23 were rejected under §103 over Jaehn in view of Tuzhilin, in further view of Sprenger, still in further view of U.S. PG Pub. No. 2002/0174005 by Chappel ("Chappel").

The Office action indicates that "applicant's arguments . . . filed July 17, 2006, with respect to the rejection(s) of claim(s) 1-6, 10-18, and 20-23 . . . have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tuzhilin et al. (U.S. PG Pub. 2004/0103092)."

For almost all of the claims, though, applicant fails to see any new rejection. At the outset, it is noted that new ground of rejection is purportedly made in view of the same Tuzhilin reference that was basis of all of the rejections in the previous Office action, dated January 13, 2006.

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Turning specifically to claim 1, the only differences that applicant could find between the withdrawn rejection of claim 1 in the Office action dated January 13, 2006 and the new rejection of claim 1 in the Office action dated October 13, 2006 are:

- (1) addition of a citation to paragraphs 0002, 0011, and 0035 of Jaehn in the application of Jaehn to “identifying one or more price affecting factors.”
- (2) insertion of “However,” at the beginning of the discussion of Tuzhilin.
- (3) addition of a citation to paragraphs 0038-0039 of where Tuzhilin discloses “content-based and collaborative-filtering approaches are both used by the system and method of the present invention for providing recommendations/suggestions and to calculate/estimate ratings.”
- (4) removal of the all discussion and application of the Chappell reference.
- (5) change the reasoning provided for why it would have been obvious to combine Jaehn and Tuzhilin from “in order to utilize historical data for assessing and predicting a future trend (expected price) in sales” with “in order to provide, recommend, accommodate and facilitate travel being made by all modes of transportation.”

Applicant’s main argument in his previous response that was accepted by the Examiner was that neither Jaehn nor Tuzhilin disclose **“calculating . . . one or more correlation coefficients for each of the one or more price affecting factors”** or **“calculating a cruise rating based on the pricing data, the one or more price affecting factors, and the one or more correlation coefficients.”** None of the minor changes made in Examiner’s rejection from the withdrawn rejection address this issue at all. Accordingly, it is respectfully requested that the

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new rejection be withdrawn for the same reasons as the rejection in the Office action dated January 13, 2006 was withdrawn.

As claim 1 is thus believed to be allowable and claims 2-6 depend, directly or indirectly, from claim 1 and contain additional elements that are patentably distinguishable over the references of record, claims 2-6 are also believed to be allowable.

Turning to claim 10, the present rejection is the same as the prior rejection, except that the Examiner has added Tagawa to the rejection, stating:

Tagawa discloses that the system is particularly advantageous for a self service method of selling travel related services or products such as local tour attractions, local booking, car rental booking, local or intrastate tour packages, airline tickets, out-of-state tour packages, cruises, optional tours or cruises, and other shopping options (abstract). Tagawa further discloses that for the price range, the standard measure of cost per day or per diem is used, such as budget (under \$200), mid-range (\$200-400) deluxe (\$400-600) or luxury (over \$600) (col. 17, lines 59-61.)

Applicant's prior argument with respect to claim 10, that was found to be persuasive by the Examiner, stated that none of the cited references disclosed, **"calculating ... a daily price for each of the one or more cruise ships using at least one price affecting factor," "comparing the daily price ... with the pricing data for that ship over a period of time to determine a consistency indicator,"** or **"calculating a price index of each cruise ship based on the daily price"** Applicant fails to see how Tagawa's disclosure of a user selecting from a few preset per day desired price ranges as a simply parameter for a search of a cruise database discloses any of these claim elements.

Accordingly, neither Jaehn, Tuzhilin, Sprenger, nor Tagawa disclose at least these elements. Therefore, claim 10 is believed to be allowable. Since claims 11-15 depend from claim 10 and contain additional elements that are patentably distinguishable over the references of record, claims 11-15 are also believed to be allowable.

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Turning to claim 16, the present rejection is the same as the prior rejection, except that the Examiner has added Sprenger to the rejection, stating:

Sprenger et al. disclose that some activities have elements of other components, for example, a cruise includes both travel and lodging (paragraph [0003]). Sprenger et al. disclose that if the user has chosen a price or price range (i.e. a budget) before reaching the vacation preferences page (or while providing information to such page), the services shown may be determined as services available based on price. Sprenger et al. further disclose that services that are returned by VPS 26 throughout the development of the travel plan that, when selected, exceed the budget, cause VPS 26 to prompt the user to reconsider (for example, to choose another price range or select another service) (Paragraph [0107]).”

Applicant’s prior argument with respect to claim 16, that was found to be persuasive by the Examiner, stated that none of the cited references disclosed, **“calculating an expected price of a specific cruise based on the value of at least one price affecting factor of the specific cruise and the regression formula”** or **“comparing the cruise price being charged with the expected price.”** It is first noted that the discussion of Sprenger used in rejecting claim 16 is exactly the same as the discussion of Sprenger used in rejecting claim 10, but claim 10 does not include either of the elements of claim 16 that the Examiner has found missing in the other cited references. Regardless, while Sprenger may disclose comparing a cruise price with a user’s budgeted price range, a user’s budgeted price range is not the claimed **“expected price”** and Sprenger doesn’t disclose at all, **“calculating an expected price of a specific cruise based on the value of at least one price affecting factor of the specific cruise and the regression formula.”**

Accordingly, neither Jaehn, Tuzhilin, Chappel, nor Sprenger disclose at least these elements. Therefore, claim 16 is believed to be allowable. Since claims 17-18 and 20-23 depend, directly or indirectly, from claim 16 and contain additional elements that are patentably


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distinguishable over the references of record, claims 17-18 and 20-23 are also believed to be allowable.

Conclusion

In view of the foregoing, it is believed that all claims now pending, namely claims 1-6, 10-18 and 20-23 are in condition for allowance and reconsideration of the Office action dated October 13, 2006 is respectfully requested.

Respectfully submitted,
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